

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CAINE PELZER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:20-CV-51
)	
)	District Judge Baxter
JOHN WETZEL, et al,)	Magistrate Judge Pesto
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on March 4, 2020 and was assigned to United States Magistrate Judge Keith A. Pesto. In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges, Magistrate Judge Pesto reviewed the complaint and issued a Report and Recommendation recommending that the motion for in forma pauperis status be denied based upon the “Three Strikes Rule.” ECF No. 3.

Plaintiff filed Objections to the Report and Recommendation arguing, among other things, that he has alleged imminent danger so as to overcome the Three Strikes Rule. ECF No. 5. Thereafter, Magistrate Judge Pesto issued a Supplemental Report and Recommendation, again recommending denial of the in forma pauperis motion and addressing Plaintiff’s lodged motion for preliminary injunctive relief. ECF No. 6.

After *de novo* review of the lodged complaint and all documents in the case, together with the reports and recommendations and objections thereto, this Court adopts Magistrate Judge Pesto’s Supplemental Report and Recommendation. Plaintiff’s motion seeking leave to proceed in forma pauperis was correctly denied by Magistrate Judge’s Pesto based upon Plaintiff’s

previous filings with this Court. This Court finds that Plaintiff has failed to allege imminent danger of serious bodily injury in his lodged complaint. Therefore, he cannot overcome the Three Strikes Rule and his request for leave to proceed in forma pauperis was correctly denied.

In order to proceed with this case, Plaintiff may pay the full filing fee of \$350.00, along with the administrative fee of \$50.00.

AND NOW, this 23rd day of June 2020;

IT IS ORDERED that Plaintiff's motion for leave to proceed in forma pauperis [ECF No. 1] is denied.

IT IS FURTHER ORDERED that the Clerk of Courts mark this case as closed.

AND, IT IS FURTHER ORDERED that the Supplemental Report and Recommendation of Magistrate Judge Pesto, issued on April 16, 2020 [ECF No. 6] is adopted as the opinion of the court. The original Report and Recommendation [ECF No. 3] is not adopted.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge